

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Private Sewage Disposal Licensing Act is  
5 amended by changing Section 4 as follows:

6 (225 ILCS 225/4) (from Ch. 111 1/2, par. 116.304)

7 Sec. 4. (a) After January 1, 1974, no person or private  
8 sewage disposal system contractor may construct, install,  
9 modify, repair, maintain, or service a private sewage disposal  
10 system or transport and dispose of waste removed therefrom, in  
11 such a manner that does not comply with the requirements of  
12 this Act and the private sewage disposal code promulgated  
13 hereunder by the Department. A person who owns and occupies a  
14 single family dwelling and who constructs, installs,  
15 maintains, services or cleans the private sewage disposal  
16 system which serves his single family residence shall not be  
17 required to be licensed under this Act, however, such person  
18 shall comply with all other provisions of this Act and the  
19 private sewage disposal code promulgated hereunder by the  
20 Department.

21 Any person who constructs, installs, repairs, modifies, or  
22 maintains a private sewage disposal system, other than a system  
23 which serves his own single family residence, shall be licensed

1 by the Department as a Private Sewage System Installation  
2 Contractor and any person who cleans or pumps waste from a  
3 private sewage disposal system, other than a system which  
4 serves his own single family residence, or hauls or disposes of  
5 wastes removed therefrom shall be licensed by the Department as  
6 a Private Sewage Disposal System Pumping Contractor in  
7 accordance with this Act.

8 (b) No new private sewage disposal system shall be  
9 installed by any person until drawings, specifications and  
10 other information requested by the Department are submitted to  
11 and reviewed by the Department and found to comply with the  
12 private sewage disposal code, and until approval for the  
13 installation of such system is issued by the Department.

14 (c) The licensing requirements of this Act shall not apply  
15 to any person who cleans or pumps, hauls or disposes of waste  
16 from chemical toilets located in an underground coal mine. This  
17 waste shall be (i) transported to and disposed of at a sewage  
18 treatment facility permitted by the Illinois Environmental  
19 Protection Agency and located on the mine property, or (ii)  
20 stored on-site in a sanitary manner pending removal and  
21 subsequent disposal by a licensed private sewage disposal  
22 pumping contractor.

23 (d) Every owner of a discharging private sewage disposal  
24 system must file a permit application with the Environmental  
25 Protection Agency as required under Section 39 of the  
26 Environmental Protection Act, unless the surface discharge

1 from the private sewage disposal system does not enter waters  
2 of commerce, the navigable waters of the State, or surface  
3 waters that are tributary to the navigable waters of the State.

4 (Source: P.A. 86-1195.)

5 Section 10. The Environmental Protection Act is amended by  
6 changing Section 39 as follows:

7 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

8 Sec. 39. Issuance of permits; procedures.

9 (a) When the Board has by regulation required a permit for  
10 the construction, installation, or operation of any type of  
11 facility, equipment, vehicle, vessel, or aircraft, the  
12 applicant shall apply to the Agency for such permit and it  
13 shall be the duty of the Agency to issue such a permit upon  
14 proof by the applicant that the facility, equipment, vehicle,  
15 vessel, or aircraft will not cause a violation of this Act or  
16 of regulations hereunder. The Agency shall adopt such  
17 procedures as are necessary to carry out its duties under this  
18 Section. In making its determinations on permit applications  
19 under this Section the Agency may consider prior adjudications  
20 of noncompliance with this Act by the applicant that involved a  
21 release of a contaminant into the environment. In granting  
22 permits, the Agency may impose reasonable conditions  
23 specifically related to the applicant's past compliance  
24 history with this Act as necessary to correct, detect, or

1 prevent noncompliance. The Agency may impose such other  
2 conditions as may be necessary to accomplish the purposes of  
3 this Act, and as are not inconsistent with the regulations  
4 promulgated by the Board hereunder. Except as otherwise  
5 provided in this Act, a bond or other security shall not be  
6 required as a condition for the issuance of a permit. If the  
7 Agency denies any permit under this Section, the Agency shall  
8 transmit to the applicant within the time limitations of this  
9 Section specific, detailed statements as to the reasons the  
10 permit application was denied. Such statements shall include,  
11 but not be limited to the following:

12 (i) the Sections of this Act which may be violated if  
13 the permit were granted;

14 (ii) the provision of the regulations, promulgated  
15 under this Act, which may be violated if the permit were  
16 granted;

17 (iii) the specific type of information, if any, which  
18 the Agency deems the applicant did not provide the Agency;  
19 and

20 (iv) a statement of specific reasons why the Act and  
21 the regulations might not be met if the permit were  
22 granted.

23 If there is no final action by the Agency within 90 days  
24 after the filing of the application for permit, the applicant  
25 may deem the permit issued; except that this time period shall  
26 be extended to 180 days when (1) notice and opportunity for

1 public hearing are required by State or federal law or  
2 regulation, (2) the application which was filed is for any  
3 permit to develop a landfill subject to issuance pursuant to  
4 this subsection, or (3) the application that was filed is for a  
5 MSWLF unit required to issue public notice under subsection (p)  
6 of Section 39. The 90-day and 180-day time periods for the  
7 Agency to take final action do not apply to NPDES permit  
8 applications under subsection (b) of this Section, to RCRA  
9 permit applications under subsection (d) of this Section, or to  
10 UIC permit applications under subsection (e) of this Section.

11 The Agency shall publish notice of all final permit  
12 determinations for development permits for MSWLF units and for  
13 significant permit modifications for lateral expansions for  
14 existing MSWLF units one time in a newspaper of general  
15 circulation in the county in which the unit is or is proposed  
16 to be located.

17 After January 1, 1994 and until July 1, 1998, operating  
18 permits issued under this Section by the Agency for sources of  
19 air pollution permitted to emit less than 25 tons per year of  
20 any combination of regulated air pollutants, as defined in  
21 Section 39.5 of this Act, shall be required to be renewed only  
22 upon written request by the Agency consistent with applicable  
23 provisions of this Act and regulations promulgated hereunder.  
24 Such operating permits shall expire 180 days after the date of  
25 such a request. The Board shall revise its regulations for the  
26 existing State air pollution operating permit program

1 consistent with this provision by January 1, 1994.

2 After June 30, 1998, operating permits issued under this  
3 Section by the Agency for sources of air pollution that are not  
4 subject to Section 39.5 of this Act and are not required to  
5 have a federally enforceable State operating permit shall be  
6 required to be renewed only upon written request by the Agency  
7 consistent with applicable provisions of this Act and its  
8 rules. Such operating permits shall expire 180 days after the  
9 date of such a request. Before July 1, 1998, the Board shall  
10 revise its rules for the existing State air pollution operating  
11 permit program consistent with this paragraph and shall adopt  
12 rules that require a source to demonstrate that it qualifies  
13 for a permit under this paragraph.

14 (b) The Agency may issue NPDES permits exclusively under  
15 this subsection for the discharge of contaminants from point  
16 sources into navigable waters, all as defined in the Federal  
17 Water Pollution Control Act, as now or hereafter amended,  
18 within the jurisdiction of the State, or into any well.

19 All NPDES permits shall contain those terms and conditions,  
20 including but not limited to schedules of compliance, which may  
21 be required to accomplish the purposes and provisions of this  
22 Act.

23 The Agency may issue general NPDES permits for discharges  
24 from categories of point sources which are subject to the same  
25 permit limitations and conditions. Such general permits may be  
26 issued without individual applications and shall conform to

1 regulations promulgated under Section 402 of the Federal Water  
2 Pollution Control Act, as now or hereafter amended.

3 The Agency may include, among such conditions, effluent  
4 limitations and other requirements established under this Act,  
5 Board regulations, the Federal Water Pollution Control Act, as  
6 now or hereafter amended, and regulations pursuant thereto, and  
7 schedules for achieving compliance therewith at the earliest  
8 reasonable date.

9 The Agency shall adopt filing requirements and procedures  
10 which are necessary and appropriate for the issuance of NPDES  
11 permits, and which are consistent with the Act or regulations  
12 adopted by the Board, and with the Federal Water Pollution  
13 Control Act, as now or hereafter amended, and regulations  
14 pursuant thereto.

15 The Agency, subject to any conditions which may be  
16 prescribed by Board regulations, may issue NPDES permits to  
17 allow discharges beyond deadlines established by this Act or by  
18 regulations of the Board without the requirement of a variance,  
19 subject to the Federal Water Pollution Control Act, as now or  
20 hereafter amended, and regulations pursuant thereto.

21 (b-5) Notwithstanding any provision of this Act or any rule  
22 adopted by the Agency in accordance with this Act, every owner  
23 of a discharging private sewage disposal system with surface  
24 discharge that enters waters of commerce, the navigable waters  
25 of the State, or surface waters that are tributary to the  
26 navigable waters of the State must file a permit application

1 with the Agency to allow coverage of the system under the  
2 blanket NPDES permit of the State.

3 (c) Except for those facilities owned or operated by  
4 sanitary districts organized under the Metropolitan Water  
5 Reclamation District Act, no permit for the development or  
6 construction of a new pollution control facility may be granted  
7 by the Agency unless the applicant submits proof to the Agency  
8 that the location of the facility has been approved by the  
9 County Board of the county if in an unincorporated area, or the  
10 governing body of the municipality when in an incorporated  
11 area, in which the facility is to be located in accordance with  
12 Section 39.2 of this Act.

13 In the event that siting approval granted pursuant to  
14 Section 39.2 has been transferred to a subsequent owner or  
15 operator, that subsequent owner or operator may apply to the  
16 Agency for, and the Agency may grant, a development or  
17 construction permit for the facility for which local siting  
18 approval was granted. Upon application to the Agency for a  
19 development or construction permit by that subsequent owner or  
20 operator, the permit applicant shall cause written notice of  
21 the permit application to be served upon the appropriate county  
22 board or governing body of the municipality that granted siting  
23 approval for that facility and upon any party to the siting  
24 proceeding pursuant to which siting approval was granted. In  
25 that event, the Agency shall conduct an evaluation of the  
26 subsequent owner or operator's prior experience in waste



1 management operations in the manner conducted under subsection  
2 (i) of Section 39 of this Act.

3 Beginning August 20, 1993, if the pollution control  
4 facility consists of a hazardous or solid waste disposal  
5 facility for which the proposed site is located in an  
6 unincorporated area of a county with a population of less than  
7 100,000 and includes all or a portion of a parcel of land that  
8 was, on April 1, 1993, adjacent to a municipality having a  
9 population of less than 5,000, then the local siting review  
10 required under this subsection (c) in conjunction with any  
11 permit applied for after that date shall be performed by the  
12 governing body of that adjacent municipality rather than the  
13 county board of the county in which the proposed site is  
14 located; and for the purposes of that local siting review, any  
15 references in this Act to the county board shall be deemed to  
16 mean the governing body of that adjacent municipality;  
17 provided, however, that the provisions of this paragraph shall  
18 not apply to any proposed site which was, on April 1, 1993,  
19 owned in whole or in part by another municipality.

20 In the case of a pollution control facility for which a  
21 development permit was issued before November 12, 1981, if an  
22 operating permit has not been issued by the Agency prior to  
23 August 31, 1989 for any portion of the facility, then the  
24 Agency may not issue or renew any development permit nor issue  
25 an original operating permit for any portion of such facility  
26 unless the applicant has submitted proof to the Agency that the

1 location of the facility has been approved by the appropriate  
2 county board or municipal governing body pursuant to Section  
3 39.2 of this Act.

4 After January 1, 1994, if a solid waste disposal facility,  
5 any portion for which an operating permit has been issued by  
6 the Agency, has not accepted waste disposal for 5 or more  
7 consecutive calendars years, before that facility may accept  
8 any new or additional waste for disposal, the owner and  
9 operator must obtain a new operating permit under this Act for  
10 that facility unless the owner and operator have applied to the  
11 Agency for a permit authorizing the temporary suspension of  
12 waste acceptance. The Agency may not issue a new operation  
13 permit under this Act for the facility unless the applicant has  
14 submitted proof to the Agency that the location of the facility  
15 has been approved or re-approved by the appropriate county  
16 board or municipal governing body under Section 39.2 of this  
17 Act after the facility ceased accepting waste.

18 Except for those facilities owned or operated by sanitary  
19 districts organized under the Metropolitan Water Reclamation  
20 District Act, and except for new pollution control facilities  
21 governed by Section 39.2, and except for fossil fuel mining  
22 facilities, the granting of a permit under this Act shall not  
23 relieve the applicant from meeting and securing all necessary  
24 zoning approvals from the unit of government having zoning  
25 jurisdiction over the proposed facility.

26 Before beginning construction on any new sewage treatment

1 plant or sludge drying site to be owned or operated by a  
2 sanitary district organized under the Metropolitan Water  
3 Reclamation District Act for which a new permit (rather than  
4 the renewal or amendment of an existing permit) is required,  
5 such sanitary district shall hold a public hearing within the  
6 municipality within which the proposed facility is to be  
7 located, or within the nearest community if the proposed  
8 facility is to be located within an unincorporated area, at  
9 which information concerning the proposed facility shall be  
10 made available to the public, and members of the public shall  
11 be given the opportunity to express their views concerning the  
12 proposed facility.

13 The Agency may issue a permit for a municipal waste  
14 transfer station without requiring approval pursuant to  
15 Section 39.2 provided that the following demonstration is made:

16 (1) the municipal waste transfer station was in  
17 existence on or before January 1, 1979 and was in  
18 continuous operation from January 1, 1979 to January 1,  
19 1993;

20 (2) the operator submitted a permit application to the  
21 Agency to develop and operate the municipal waste transfer  
22 station during April of 1994;

23 (3) the operator can demonstrate that the county board  
24 of the county, if the municipal waste transfer station is  
25 in an unincorporated area, or the governing body of the  
26 municipality, if the station is in an incorporated area,

1 does not object to resumption of the operation of the  
2 station; and

3 (4) the site has local zoning approval.

4 (d) The Agency may issue RCRA permits exclusively under  
5 this subsection to persons owning or operating a facility for  
6 the treatment, storage, or disposal of hazardous waste as  
7 defined under this Act.

8 All RCRA permits shall contain those terms and conditions,  
9 including but not limited to schedules of compliance, which may  
10 be required to accomplish the purposes and provisions of this  
11 Act. The Agency may include among such conditions standards and  
12 other requirements established under this Act, Board  
13 regulations, the Resource Conservation and Recovery Act of 1976  
14 (P.L. 94-580), as amended, and regulations pursuant thereto,  
15 and may include schedules for achieving compliance therewith as  
16 soon as possible. The Agency shall require that a performance  
17 bond or other security be provided as a condition for the  
18 issuance of a RCRA permit.

19 In the case of a permit to operate a hazardous waste or PCB  
20 incinerator as defined in subsection (k) of Section 44, the  
21 Agency shall require, as a condition of the permit, that the  
22 operator of the facility perform such analyses of the waste to  
23 be incinerated as may be necessary and appropriate to ensure  
24 the safe operation of the incinerator.

25 The Agency shall adopt filing requirements and procedures  
26 which are necessary and appropriate for the issuance of RCRA

1 permits, and which are consistent with the Act or regulations  
2 adopted by the Board, and with the Resource Conservation and  
3 Recovery Act of 1976 (P.L. 94-580), as amended, and regulations  
4 pursuant thereto.

5 The applicant shall make available to the public for  
6 inspection all documents submitted by the applicant to the  
7 Agency in furtherance of an application, with the exception of  
8 trade secrets, at the office of the county board or governing  
9 body of the municipality. Such documents may be copied upon  
10 payment of the actual cost of reproduction during regular  
11 business hours of the local office. The Agency shall issue a  
12 written statement concurrent with its grant or denial of the  
13 permit explaining the basis for its decision.

14 (e) The Agency may issue UIC permits exclusively under this  
15 subsection to persons owning or operating a facility for the  
16 underground injection of contaminants as defined under this  
17 Act.

18 All UIC permits shall contain those terms and conditions,  
19 including but not limited to schedules of compliance, which may  
20 be required to accomplish the purposes and provisions of this  
21 Act. The Agency may include among such conditions standards and  
22 other requirements established under this Act, Board  
23 regulations, the Safe Drinking Water Act (P.L. 93-523), as  
24 amended, and regulations pursuant thereto, and may include  
25 schedules for achieving compliance therewith. The Agency shall  
26 require that a performance bond or other security be provided

1 as a condition for the issuance of a UIC permit.

2 The Agency shall adopt filing requirements and procedures  
3 which are necessary and appropriate for the issuance of UIC  
4 permits, and which are consistent with the Act or regulations  
5 adopted by the Board, and with the Safe Drinking Water Act  
6 (P.L. 93-523), as amended, and regulations pursuant thereto.

7 The applicant shall make available to the public for  
8 inspection, all documents submitted by the applicant to the  
9 Agency in furtherance of an application, with the exception of  
10 trade secrets, at the office of the county board or governing  
11 body of the municipality. Such documents may be copied upon  
12 payment of the actual cost of reproduction during regular  
13 business hours of the local office. The Agency shall issue a  
14 written statement concurrent with its grant or denial of the  
15 permit explaining the basis for its decision.

16 (f) In making any determination pursuant to Section 9.1 of  
17 this Act:

18 (1) The Agency shall have authority to make the  
19 determination of any question required to be determined by  
20 the Clean Air Act, as now or hereafter amended, this Act,  
21 or the regulations of the Board, including the  
22 determination of the Lowest Achievable Emission Rate,  
23 Maximum Achievable Control Technology, or Best Available  
24 Control Technology, consistent with the Board's  
25 regulations, if any.

26 (2) The Agency shall, after conferring with the

1 applicant, give written notice to the applicant of its  
2 proposed decision on the application including the terms  
3 and conditions of the permit to be issued and the facts,  
4 conduct or other basis upon which the Agency will rely to  
5 support its proposed action.

6 (3) Following such notice, the Agency shall give the  
7 applicant an opportunity for a hearing in accordance with  
8 the provisions of Sections 10-25 through 10-60 of the  
9 Illinois Administrative Procedure Act.

10 (g) The Agency shall include as conditions upon all permits  
11 issued for hazardous waste disposal sites such restrictions  
12 upon the future use of such sites as are reasonably necessary  
13 to protect public health and the environment, including  
14 permanent prohibition of the use of such sites for purposes  
15 which may create an unreasonable risk of injury to human health  
16 or to the environment. After administrative and judicial  
17 challenges to such restrictions have been exhausted, the Agency  
18 shall file such restrictions of record in the Office of the  
19 Recorder of the county in which the hazardous waste disposal  
20 site is located.

21 (h) A hazardous waste stream may not be deposited in a  
22 permitted hazardous waste site unless specific authorization  
23 is obtained from the Agency by the generator and disposal site  
24 owner and operator for the deposit of that specific hazardous  
25 waste stream. The Agency may grant specific authorization for  
26 disposal of hazardous waste streams only after the generator

1 has reasonably demonstrated that, considering technological  
2 feasibility and economic reasonableness, the hazardous waste  
3 cannot be reasonably recycled for reuse, nor incinerated or  
4 chemically, physically or biologically treated so as to  
5 neutralize the hazardous waste and render it nonhazardous. In  
6 granting authorization under this Section, the Agency may  
7 impose such conditions as may be necessary to accomplish the  
8 purposes of the Act and are consistent with this Act and  
9 regulations promulgated by the Board hereunder. If the Agency  
10 refuses to grant authorization under this Section, the  
11 applicant may appeal as if the Agency refused to grant a  
12 permit, pursuant to the provisions of subsection (a) of Section  
13 40 of this Act. For purposes of this subsection (h), the term  
14 "generator" has the meaning given in Section 3.205 of this Act,  
15 unless: (1) the hazardous waste is treated, incinerated, or  
16 partially recycled for reuse prior to disposal, in which case  
17 the last person who treats, incinerates, or partially recycles  
18 the hazardous waste prior to disposal is the generator; or (2)  
19 the hazardous waste is from a response action, in which case  
20 the person performing the response action is the generator.  
21 This subsection (h) does not apply to any hazardous waste that  
22 is restricted from land disposal under 35 Ill. Adm. Code 728.

23 (i) Before issuing any RCRA permit, any permit for a waste  
24 storage site, sanitary landfill, waste disposal site, waste  
25 transfer station, waste treatment facility, waste incinerator,  
26 or any waste-transportation operation, or any permit or interim



1 authorization for a clean construction or demolition debris  
2 fill operation, the Agency shall conduct an evaluation of the  
3 prospective owner's or operator's prior experience in waste  
4 management operations and clean construction or demolition  
5 debris fill operations. The Agency may deny such a permit, or  
6 deny or revoke interim authorization, if the prospective owner  
7 or operator or any employee or officer of the prospective owner  
8 or operator has a history of:

9 (1) repeated violations of federal, State, or local  
10 laws, regulations, standards, or ordinances in the  
11 operation of waste management facilities or sites or clean  
12 construction or demolition debris fill operation  
13 facilities or sites; or

14 (2) conviction in this or another State of any crime  
15 which is a felony under the laws of this State, or  
16 conviction of a felony in a federal court; or conviction in  
17 this or another state or federal court of any of the  
18 following crimes: forgery, official misconduct, bribery,  
19 perjury, or knowingly submitting false information under  
20 any environmental law, regulation, or permit term or  
21 condition; or

22 (3) proof of gross carelessness or incompetence in  
23 handling, storing, processing, transporting or disposing  
24 of waste or clean construction or demolition debris, or  
25 proof of gross carelessness or incompetence in using clean  
26 construction or demolition debris as fill.

1 (i-5) Before issuing any permit or approving any interim  
2 authorization for a clean construction or demolition debris  
3 fill operation in which any ownership interest is transferred  
4 between January 1, 2005, and the effective date of the  
5 prohibition set forth in Section 22.52 of this Act, the Agency  
6 shall conduct an evaluation of the operation if any previous  
7 activities at the site or facility may have caused or allowed  
8 contamination of the site. It shall be the responsibility of  
9 the owner or operator seeking the permit or interim  
10 authorization to provide to the Agency all of the information  
11 necessary for the Agency to conduct its evaluation. The Agency  
12 may deny a permit or interim authorization if previous  
13 activities at the site may have caused or allowed contamination  
14 at the site, unless such contamination is authorized under any  
15 permit issued by the Agency.

16 (j) The issuance under this Act of a permit to engage in  
17 the surface mining of any resources other than fossil fuels  
18 shall not relieve the permittee from its duty to comply with  
19 any applicable local law regulating the commencement, location  
20 or operation of surface mining facilities.

21 (k) A development permit issued under subsection (a) of  
22 Section 39 for any facility or site which is required to have a  
23 permit under subsection (d) of Section 21 shall expire at the  
24 end of 2 calendar years from the date upon which it was issued,  
25 unless within that period the applicant has taken action to  
26 develop the facility or the site. In the event that review of

1 the conditions of the development permit is sought pursuant to  
2 Section 40 or 41, or permittee is prevented from commencing  
3 development of the facility or site by any other litigation  
4 beyond the permittee's control, such two-year period shall be  
5 deemed to begin on the date upon which such review process or  
6 litigation is concluded.

7 (l) No permit shall be issued by the Agency under this Act  
8 for construction or operation of any facility or site located  
9 within the boundaries of any setback zone established pursuant  
10 to this Act, where such construction or operation is  
11 prohibited.

12 (m) The Agency may issue permits to persons owning or  
13 operating a facility for composting landscape waste. In  
14 granting such permits, the Agency may impose such conditions as  
15 may be necessary to accomplish the purposes of this Act, and as  
16 are not inconsistent with applicable regulations promulgated  
17 by the Board. Except as otherwise provided in this Act, a bond  
18 or other security shall not be required as a condition for the  
19 issuance of a permit. If the Agency denies any permit pursuant  
20 to this subsection, the Agency shall transmit to the applicant  
21 within the time limitations of this subsection specific,  
22 detailed statements as to the reasons the permit application  
23 was denied. Such statements shall include but not be limited to  
24 the following:

25 (1) the Sections of this Act that may be violated if  
26 the permit were granted;

1           (2) the specific regulations promulgated pursuant to  
2 this Act that may be violated if the permit were granted;

3           (3) the specific information, if any, the Agency deems  
4 the applicant did not provide in its application to the  
5 Agency; and

6           (4) a statement of specific reasons why the Act and the  
7 regulations might be violated if the permit were granted.

8           If no final action is taken by the Agency within 90 days  
9 after the filing of the application for permit, the applicant  
10 may deem the permit issued. Any applicant for a permit may  
11 waive the 90 day limitation by filing a written statement with  
12 the Agency.

13           The Agency shall issue permits for such facilities upon  
14 receipt of an application that includes a legal description of  
15 the site, a topographic map of the site drawn to the scale of  
16 200 feet to the inch or larger, a description of the operation,  
17 including the area served, an estimate of the volume of  
18 materials to be processed, and documentation that:

19           (1) the facility includes a setback of at least 200  
20 feet from the nearest potable water supply well;

21           (2) the facility is located outside the boundary of the  
22 10-year floodplain or the site will be floodproofed;

23           (3) the facility is located so as to minimize  
24 incompatibility with the character of the surrounding  
25 area, including at least a 200 foot setback from any  
26 residence, and in the case of a facility that is developed

1 or the permitted composting area of which is expanded after  
2 November 17, 1991, the composting area is located at least  
3 1/8 mile from the nearest residence (other than a residence  
4 located on the same property as the facility);

5 (4) the design of the facility will prevent any compost  
6 material from being placed within 5 feet of the water  
7 table, will adequately control runoff from the site, and  
8 will collect and manage any leachate that is generated on  
9 the site;

10 (5) the operation of the facility will include  
11 appropriate dust and odor control measures, limitations on  
12 operating hours, appropriate noise control measures for  
13 shredding, chipping and similar equipment, management  
14 procedures for composting, containment and disposal of  
15 non-compostable wastes, procedures to be used for  
16 terminating operations at the site, and recordkeeping  
17 sufficient to document the amount of materials received,  
18 composted and otherwise disposed of; and

19 (6) the operation will be conducted in accordance with  
20 any applicable rules adopted by the Board.

21 The Agency shall issue renewable permits of not longer than  
22 10 years in duration for the composting of landscape wastes, as  
23 defined in Section 3.155 of this Act, based on the above  
24 requirements.

25 The operator of any facility permitted under this  
26 subsection (m) must submit a written annual statement to the

1 Agency on or before April 1 of each year that includes an  
2 estimate of the amount of material, in tons, received for  
3 composting.

4 (n) The Agency shall issue permits jointly with the  
5 Department of Transportation for the dredging or deposit of  
6 material in Lake Michigan in accordance with Section 18 of the  
7 Rivers, Lakes, and Streams Act.

8 (o) (Blank.)

9 (p) (1) Any person submitting an application for a permit  
10 for a new MSWLF unit or for a lateral expansion under  
11 subsection (t) of Section 21 of this Act for an existing MSWLF  
12 unit that has not received and is not subject to local siting  
13 approval under Section 39.2 of this Act shall publish notice of  
14 the application in a newspaper of general circulation in the  
15 county in which the MSWLF unit is or is proposed to be located.  
16 The notice must be published at least 15 days before submission  
17 of the permit application to the Agency. The notice shall state  
18 the name and address of the applicant, the location of the  
19 MSWLF unit or proposed MSWLF unit, the nature and size of the  
20 MSWLF unit or proposed MSWLF unit, the nature of the activity  
21 proposed, the probable life of the proposed activity, the date  
22 the permit application will be submitted, and a statement that  
23 persons may file written comments with the Agency concerning  
24 the permit application within 30 days after the filing of the  
25 permit application unless the time period to submit comments is  
26 extended by the Agency.

1           When a permit applicant submits information to the Agency  
2 to supplement a permit application being reviewed by the  
3 Agency, the applicant shall not be required to reissue the  
4 notice under this subsection.

5           (2) The Agency shall accept written comments concerning the  
6 permit application that are postmarked no later than 30 days  
7 after the filing of the permit application, unless the time  
8 period to accept comments is extended by the Agency.

9           (3) Each applicant for a permit described in part (1) of  
10 this subsection shall file a copy of the permit application  
11 with the county board or governing body of the municipality in  
12 which the MSWLF unit is or is proposed to be located at the  
13 same time the application is submitted to the Agency. The  
14 permit application filed with the county board or governing  
15 body of the municipality shall include all documents submitted  
16 to or to be submitted to the Agency, except trade secrets as  
17 determined under Section 7.1 of this Act. The permit  
18 application and other documents on file with the county board  
19 or governing body of the municipality shall be made available  
20 for public inspection during regular business hours at the  
21 office of the county board or the governing body of the  
22 municipality and may be copied upon payment of the actual cost  
23 of reproduction.

24           (Source: P.A. 93-575, eff. 1-1-04; 94-272, eff. 7-19-05;  
25 94-725, eff. 6-1-06.)

26           Section 99. Effective date. This Act takes effect upon

1 becoming law.